

Sunday,  
June 1, 2025

# GST LAW COMMUNIQUE

Volume 4  
Issue 2

Latest updates for the month of June 2025

## **A] Important Notifications (Rate)**

No new rate notifications were issued during the month

## **B] Important Notifications**

No new notifications were issued during the period.

## **C] Important Circulars**

No new notifications were issued during the period

## **D] Important Instructions**

**1] Grievance Redressal Mechanism for processing of application for GST registration:** The Central Board of Indirect Taxes and Customs (CBIC) has issued Instruction No. 04/2025-GST to streamline grievance redressal related to GST registration applications, particularly those assigned to Central jurisdiction. This instruction is in continuation of Instruction No. 03/2025 dated 17.04.2025, and aims to address situations where applicants face inappropriate queries or rejection grounds that appear to be in contravention of the said instruction. Applicants in such cases may now approach the jurisdictional Principal Chief Commissioner or Chief Commissioner (PCC/CC) of CGST.

To facilitate a swift and effective redressal mechanism, each PCC/CC is directed to publicize an official email address where applicants can submit their grievances. The grievance email should include the Application Reference Number (ARN), jurisdiction details (Centre/State), and a brief description of the issue. If the grievance pertains to State jurisdiction, the PCC/CC must forward it to the concerned State authority and also endorse a copy to the GST Council Secretariat.

The instruction further mandates that the PCC/CC ensure timely resolution of grievances and communicate the outcome to the applicant. If it is found that the officer's queries were appropriate, the applicant should be suitably advised. Additionally, a monthly report on the status of grievance redressal is to be submitted to the Directorate General of GST (DGGST), which will compile the data for the Board's review. Any challenges in implementing these instructions should be promptly reported to the Board.

[ Instruction No. 04/2025-GST dt. 02<sup>nd</sup> May, 2025]

## **Incorporating**

- 1] Important Notifications
- 2] Important Circulars/Clarifications
- 3] Important Case laws, AAR, AAAR
- 4] Compliance calendar for the month of May 25



**E] Important Case Laws****1] BLA Infrastructure Pvt. Ltd. Vs. State of Jharkhand-2025(96) G.S.T.L.23- Jharkhand High Court-**

**Refund claim** - Rejection of - Refund of pre-deposit - Assessee's appeal against order issued under Section 74 of GST Act was allowed - Assessee's application under Section 54(1) of GST Act for refund of amount pre-deposited for filing of appeal was rejected by virtue of a deficiency memo - **HELD** : Refund of statutory pre-deposit is a right vested on an assessee after an appeal is allowed in its favour - Once refund is by way of statutory exercise, same cannot be retained by either State or Centre, that too by taking aid of a provision which on face of it is directory, in as much as, language couched in Section 54 is ibid 'may make an application before expiry of 2 years from relevant date' - Accordingly, rejection order by way of Deficiency Memo was to be set aside.

**2] Cotton Corporation of India Vs. Asst. Comm. (ST), Vijaywada-2025 (96)G.S.T.L.37-Andhra Pradesh High Court-**

**Demand** - Tax or ITC not involving fraud, etc. - Show cause notice - Limitation period - Assessment year 2020-21 - Petitioner received a show cause notice in relation to assessment year 2020-21 calling upon petitioner to show cause as to why an assessment should not be carried out in relation to short payment of tax etc. - Last date for issuance of a show cause notice, for assessment year 2020-21 would be 28-11-2024 - However, show cause notice was issued on 30-11-2024 - **HELD** : Time limit set out under Section 73(2) of CGST Act is mandatory and any violation of that time period cannot be condoned, and would render show cause notice otiose - Accordingly, writ petition was to be allowed quashing show cause notice.

**3] G.S. Industries Vs. Com. of Central Tax & GST, Delhi (West)- 2025(96) G.S.T.L. 77- Delhi High Court-**

**Appeals to Appellate authority** - Review of appellate order - Period April, 2018 to March, 2019 - Assessee had applied for refund - Refund was not released even after assessee responded to deficiency memos and supplied all material - Assessee approached respondents by way of representations - Since no action was taken, assessee approached Court filing writ petition - Court directed that claim of assessee be processed - Respondents rejected prayer for refund - Said order was assailed in an appeal - Appeal was allowed - Despite order of appellate authority, dispute with respect to refund continued - Assessee once again filed writ petition - Court directed respondents to forthwith process assessee's claim for refund including interest - After Court's order, no further appeal was taken by respondents in respect of appellate order and refund claims were ultimately sanctioned - Respondents instituted an independent appeal seeking to question refund order - While deciding independent appeal, appellate authority had taken into consideration order passed by Commissioner which had chosen to review order sanctioning refund in favour of assessee - Finally, independent appeal of department was allowed by appellate authority - **HELD** : Court had, in terms of earlier order to process refund claim, held that since respondents had failed to assail order-in-appeal, claim for refund could not have been denied - Power enshrined in Section 107(2) of CGST Act, 2017 does not contemplate Commissioner to review an order passed by appellate authority - Consequently, impugned order allowing independent appeal of department was to be set aside.

**4] V.R.Nimran Pvt. Ltd. Vs. Deputy Commissioner (ST) Vishakhapatnam -2025(96) G.S.T.L.92- Andhra Pradesh High Court-**

**Assessment** - Validity of - DIN, non-mention of - Period April, 2018 to March, 2023 - Petitioner was served with an assessment order passed by revenue - Petitioner challenged said assessment order on various grounds, including ground that said proceedings did not contain a DIN number - **HELD**: Non-mention of a DIN number in order, which was uploaded in portal, required impugned order to be set aside - Impugned order was to be set aside with liberty to revenue to conduct fresh assessment after giving notice and by assigning a DIN number to said order.

**5] Nspira Management Services Pvt. Ltd. Vs. Sales Tax Officer-2025(96)G.S.T.L.117- Delhi High Court-**

**Demand** - Tax or ITC not involving fraud - Non speaking order - Final order was passed under Section 73 of CGST Act, 2017 confirming demand against assessee - It was merely stated that reply filed by taxpayer was not comprehensible, conceivable, perspicuous and ambiguous and, hence, proposed demand was confirmed - Assessee challenged said order on ground of non-application of mind and lack of reasoning - **HELD** : Identical issue was addressed in Xerox India Ltd. v. Asst. Commissioner, DGST 2025 (94) G.S.T.L. 80/(2025) 26 Centax 118 (Del.) where order passed citing identical reason, was set aside - Following said precedent, impugned order was to be quashed and set aside.

**6] Gayatri Enterprises Vs. State of Andhra Pradesh - 2025(96) G.S.T.L.129- Andhra Pradesh High Court-**

**Assessment** - Validity of - DIN number, non-mentioning of - Period 2020-21 to 2023-24 - Assessee was served with an assessment order in Form GST DRC-01 - Assessee challenged same vide instant writ petition on ground that proceeding did not contain signature of Assessing Officer and also DIN number - **HELD** : Supreme Court as well as Division bench of instant Court had held that order which does not contain a DIN would be non est and would mitigate against validity of such proceedings - In view of same, impugned assessment orders were to be set aside with liberty to respondents to conduct fresh assessment.

**7] Deepak Stores Pvt.Ltd.Vs.Jt.Com.(Appeals), Devanagere :- 2025(96)G.S.T.L.342- Karnataka High Court-**

**Appeals to Appellate Authority - Limitation period** - Assessee filed an appeal under Section 107 of KGST Act, 2017 against an order passed under Section 73 ibid - Assessee had complied with condition of pre-deposit by depositing 10 per cent of disputed tax amount - Appeal of assessee was rejected on ground of limitation - Assessee vide instant petition sought to set aside said order and for a direction to Appellate Authority to consider appeal on merit by condoning 3 days, which was condonable under Section 107(4) ibid - **HELD** : In instant case, though assessee had not filed appeal within 3 months, but had filed within another 3 days, though assessee had condonable period of 30 days - Appellate Authority failed to exercise its discretionary power judiciously - Assessee had shown sufficient cause to condone delay of three days in preferring appeal - Therefore, impugned order passed by appellate authority was to be set aside and appeal of assessee was to be considered on merits.

#### **8]On Time Services Vs. Union of India - 2025(96)G.S.T.L.353-Allahabad High Court-**

**Demand** - Non-speaking order/Non-consideration of reply - Period 2018-19 - A show cause notice was issued to assessee under Section 73 of CGST/UPGST Act, 2017 - Assessee gave response to same and prayed that demand of CGST and SGST be adjusted from huge balance of IGST - However, impugned order was passed raising demand, interest and penalty - On writ petition - **HELD** : A perusal of record indicated that aspect on which notice was issued had been determined and submission of assessee for adjusting demand of tax had not been dealt with and penalty along with interest had been imposed - Impugned order as well as demand were to be set aside to extend of consideration of prayer made by assessee for adjusting demand of tax - Matter was to be remanded to pass appropriate order.

#### **9]Amrutha Filling Station Vs.Union of India- 2025(96) G.S.T.L.356- Andhra Pradesh High Court-**

**Assessment** - Validity of - Unsigned order - Impugned assessment order was passed in case of assessee - Assessee challenged same vide instant petition on ground that said proceeding does not contain signature of Assessing Officer - **HELD** : It was noted that instant court in various other cases had held that signature on assessment order cannot be dispensed with and absence of signature of Assessing Officer on assessment order would render assessment order invalid - Accordingly, impugned assessment order was to be set aside and respondent authority was at liberty to conduct fresh assessment.

#### **10] Madhesh Madesan Vs.State Tax Officer, Hosur- 2025(96)G.S.T.L.363- Madras High Court-**

**Detention of goods and conveyances in transit** - Release of - Time limit - Goods and conveyances were detained on 29-10-2024 and show cause notice was issued also on 29-10-2024 - However, order of detention was not passed till date i.e. within seven days from date of issuance of show cause notice - **HELD** : In view of judicial precedents, impugned proceedings were to be set aside in as much as it was in contravention of time lines stipulated in Section 129(3) of CGST/TNGST Act, 2017 - Vehicle and goods in question were to be released forthwith.

#### **11]Indian Medical Association Vs.Union of India-2025(96) G.S.T.L.532-Kerala High Court-**

**Club or association** - Supply of goods and services to members - Scope of supply - Constitutional validity of amendments - GST is envisaged as a levy of tax on supply of goods or services or both - Words 'goods', 'supply' and 'services' are understood in a particular sense under Constitution - Concepts of supply and service do require a plurality of persons to infer their existence - Scheme of GST under Constitution also contemplates existence of at least two persons, a provider and a recipient, before one can infer either a supply or a service for purposes of levy - In other words, concepts of self-supply or self-service are not envisioned under Constitution for purposes of levy - Article 246A of Constitution of India uses word 'supply' without giving it an artificial meaning that would take in even a deemed supply - In fact, even by Constitution (46th Amendment) Act, 1982 when a deeming provision was introduced to bring transactions, that did not fit into traditional concept of sale of goods, to sales tax, exercise that was done was to amend Constitution to deem those transactions as 'sales' or 'purchases' - Thus, under Article 366(29A) ibid, a tax on supply of goods by an incorporated association or body of persons to a member thereof for cash, deferred payment or other valuable consideration, was deemed to be a tax on sale or purchase of goods - In contrast to above, what has been done through present amendment to CGST/SGST Act by Finance Act, 2021 with retrospective effect from 1-7-2017 is merely to amend definition of 'supply' to include activities or transactions, by a person, other than individual, to its members or constituents or vice versa, for cash, deferred payment or other valuable consideration - Significantly, such supply has not been deemed to be a 'service', and concept of 'service' itself has not undergone a change, to include within its fold such activities or transactions - Thus, impugned amendment to CGST/SGST Acts must necessarily fail test of constitutionality - Provisions of Sections 2(17)(e) and 7(1)(aa) and Explanation thereto of CGST Act, 2017/KGST Act as amended are to be declared as unconstitutional and void being ultra vires provisions of Article 246A read with Articles 366(12A) and 265 of Constitution of India.

#### **12]Sri Dhanalakshmi Steels Vs.Asst.Comm.(ST), Salem-2025 (96) G.S.T.L.604- Madras High Court-**

**Input tax credit** - Apportionment of credit and blocked credit - Trader of goods - Invoking of Section 17(5) of CGST/TNGST Act, 2017 without specific mention of clauses thereof - Assessee's claim of Input Tax Credit was disallowed vide impugned order on premise that it was ineligible by invoking Section 17(5) ibid - Assessee submitted that impugned notice while proposing to invoke Section 17(5) ibid had only stated that Input Tax Credit shall not be available in respect of list of commodities and services mentioned and did not set out reasons nor clauses under Section 17(5) ibid which got attracted and resulted in denial of assessee's claim of Input Tax Credit - Assessee stated that they were only engaged in trading of goods and no part of inputs on which credit was claimed was being utilised by assessee



for personal consumption or for construction of own building - Assessee also submitted that they were ready and willing to produce tax invoices of inward supply, however, respondent authority without indicating clause under Section 17(5) ibid had fixed personal hearing and thereafter, impugned order was passed confirming proposal on premise that assessee had not produced tax invoices nor availed opportunity of personal hearing - **HELD** : In view of above, impugned order was to be set aside.

## **F] GST portal updates**

### **1] Advisory on reporting of HSN codes in Table 12 and list of documents in table 13 of GSTR-1/1A:**

As per Notification No. 78/2020 - Central Tax dated 15th October 2020, taxpayers are required to report a minimum of 4 or 6 digits of the HSN Code in Table 12 of GSTR-1, based on their Aggregate Annual Turnover (AATO) in the previous financial year. This requirement is being rolled out in phases on the GST Portal.

After the implementation of Phase 2 from 1st November 2022, the GST Portal is now moving ahead with Phase 3, which will be applicable from the May 2025 return period. Under Phase 3, mandatory HSN reporting in Table 12 of GSTR-1 and GSTR-1A will be enforced. Additionally, Table 13 of GSTR-1/1A will also become mandatory from the same tax period.

**2] Advisory on invoice-wise Reporting Functionality in Form GSTR-7 on portal:** Vide Notification No. 09/2025 - Central Tax dated 11.02.2025, Form GSTR-7 has been amended to capture invoice-wise reporting with effect from 01.04.2025 i.e. the return period for April 2025 onwards.

In this regard it is to inform that development and testing of the same is underway, the implementation of invoice-wise reporting in Form GSTR-7 in GST portal will be deployed on portal soon. Thus, the enhanced functionality shall be deployed shortly, and users will be duly informed once the changes are made live on the portal.

**3] Advisory on Updates in Refund Filing Process for various refund categories:** GSTN has introduced significant changes in the refund filing process for the following categories:

- Export of Services with payment of tax
- Supplies to SEZ Unit/Developer with payment of tax
- Refund by Supplier of Deemed Exports

The key change is that taxpayers are no longer required to select a specific tax period ('From' and 'To') while filing refund applications under these categories. Instead, they can directly choose the refund category and click "Create Refund Application."

Additionally, these refund categories have shifted from tax period-based filing to invoice-based filing. Taxpayers must upload eligible invoices in the respective statements:

- Statement 2 for Export of Services
- Statement 4 for SEZ Supplies
- Statement 5B for Deemed Export refunds by the supplier

It is important to note that all due returns (GSTR-1, GSTR-3B, etc.) must be filed before applying for refunds. Once invoices are uploaded in a refund application, they will be locked for future use and can only be unlocked if the application is withdrawn or a deficiency memo is issued.

**4] Advisory on updates in Refund Filing Process for Recipients of Deemed Export:** GSTN has introduced significant changes in the refund filing process under the category "On account of Refund by Recipient of Deemed Export." Firstly, taxpayers are no longer required to file refund applications in the chronological order of tax periods, meaning the selection of "From" and "To" periods is no longer

necessary. However, taxpayers must ensure that **all due returns (GSTR-1, GSTR-3B, etc.) are filed up to the date of refund application.**

A major update has been made to the **“Amount Eligible for Refund” table**, which now includes five key columns:

- 1. **Balance in ECL** at the time of filing, auto-populated from the Electronic Credit Ledger (ECL).
- 2. **Net ITC of Deemed Exports**, derived from Statement 5B invoices.
- 3. **Refund Amount as per Uploaded Invoices**, which is editable and shows the claimed ITC.
- 4. **Eligible Refund Amount**, auto-calculated based on the order of debit as per Circular No. 125/44/2019-GST.
- 5. **Refund Amount Not Eligible due to Insufficient Balance**, showing the shortfall in the ECL under various heads.

Additionally, the system has been enhanced to **maximize the refund claim** based on invoice data, regardless of whether sufficient balance exists in each individual head of the Electronic Credit Ledger. The total claimed ITC will be matched against the total available ITC across all heads (IGST, CGST, SGST), allowing greater flexibility in claiming refunds.

**5] Advisory on Appeal withdrawal with respect to Waiver scheme:** In the GST system, if a **withdrawal application (APL-01W)** is filed before the issuance of the **final acknowledgment (APL-02)** by the Appellate Authority, the **appeal application (APL-01)** is automatically withdrawn by the system. In such cases, the appeal status automatically updates from **“Appeal submitted”** to **“Appeal withdrawn.”**

However, if the withdrawal application is filed **after the final acknowledgment (APL-02)** has been issued, the appeal can be withdrawn **only with the approval of the Appellate Authority**. Once approved, the status is similarly updated to **“Appeal withdrawn.”**

As per the **waiver scheme under Section 128A**, there should be **no pending appeal** against the demand order with the Appellate Authority. Hence, in both scenarios—automatic or authority-approved withdrawal—the system updating the appeal status to **“Appeal withdrawn”** fulfills this requirement.

While filing a waiver application under Section 128A (or for those already filed), taxpayers must **upload a screenshot of the appeal case folder showing the status as “Appeal withdrawn”** to support their claim for the waiver.

**6] Advisory on reporting values in Table 3.2 of GSTR-3B:** The GSTN had earlier announced, via an advisory dated 11th April 2025, that **auto-populated values in Table 3.2 of GSTR-3B** would become **non-editable starting from the April 2025 tax period** (i.e., for returns filed in May 2025). However, in response to **representations and concerns raised by taxpayers**, the GSTN is currently reviewing the issue.

To ensure taxpayer convenience and avoid disruptions in return filing, it has now been **decided to keep Table 3.2 editable for the time being**. Taxpayers may **review, amend, and report the correct values**, as needed, ensuring the accuracy of the disclosed data.

A separate communication will be issued once the proposed changes are finalized and implemented on the GST Portal.

Compliance Calendar for the month of June 2025

Due Date of Compliance	Compliance
10.06.2025	Monthly GSTR 7 for the month of May 2025 (TDS deductor)
	Monthly GSTR 8 for the month of May 2025 (TCS collector)

11.06.2025	Monthly GSTR 1 for the month of May 2025 (Regular Monthly Taxpayer)
13.06.2025	IFF facility under the QRMP scheme (May 25)
13.06.2025	GSTR-5 for the month of May 25 (Non-Resident Taxpayer)
13.06.2025	GSTR-6 for the month of May 25 (Input Service Distributor)
20.06.2025	Monthly GSTR 3B for the month of May 2025 (Regular Monthly Taxpayer)
20.06.2025	Monthly GSTR 5A for the month of May 2025 (OIDAR service provider)
25.06.2025	Monthly tax payment for the month of May 2025 in Form GST PMT 06 under QRMP scheme

Join our exclusive community on **WhatsApp!**



For Private Circulation only. This note presents a summary of various notifications in simple language for easy understanding. You are requested to refer respective notification before the application of the text of this newsletter. While utmost care has been taken to provide up-to-date & current information, any person using this information may exercise sufficient caution. We shall not be responsible for any errors/omissions or any losses arising out of the use of the contents of this newsletter.



**Editorial Team**  
CMA R.K. Deodhar  
CMA Dipak N Joshi  
“Matruchaya Banglow”, Plot No 16 and 17, Trambakeshwar  
Road, Satya Colony, behind Vikas Colony, Nashik, Maharashtra  
422007  
Contact: +91 98220 49980, +91 99221 59279  
Email: info@edugst.com